



June 13, 2016

**ARCHITECTURAL REVIEW  
FINDINGS AND DECISION**

**\*\* APPROVAL WITH CONDITIONS \*\***

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Case #:	AR-16-0004
Project:	Tualatin West Center
Location:	<a href="#">19400 SW Boones Ferry Rd.</a> (Tax Lot 2S1 24CB 02200)
Applicant:	West Center LLC; David Emami, 3380 Barrington Dr., West Linn, OR 97068
Project Contact:	West Center LLC; David Emami, 3380 Barrington Dr., West Linn, OR 97068

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*Arrangements can be made to provide these materials in alternative formats such as large type or audio recording. Please contact the Planning Division at 503-691-3026 and allow as much lead time as possible.*

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**I. INTRODUCTION**

West Center LLC. proposes to remodel the façade of the Tualatin West Retail/Office Complex at 19350-19400 SW Boones Ferry Road and 8481-8503 SW Warm Spring Street in Tualatin, Oregon. Alterations to the landscaping and trash enclosure are also proposed for the site. The property is owned by West Center LLC, and the lot is 1.68 acres. The property is zoned CC – Central Commercial and is located in the Central Urban Renewal District, Block #10. The retail/office complex is existing and was approved through AR84-27.

Two public accessways are located on SW Warm Springs Street, a Minor Collector, according to the City of Tualatin Transportation System Plan (TSP) and Figure 11-1 in the Tualatin Development Code. A Trimet bus stop is positioned on the south end of the property, near the westbound travel lane on SW Warm Spring Street. Secondary egress is provided off of SW Boones Ferry Road, a Major Arterial.

The applicant attended a pre-application conference for this project with the City of Tualatin on January 28, 2015. A neighborhood/developer meeting was held on January 29, 2016 where three people were in attendance. No comments were recorded from attendees. The application was submitted March 4, 2016 and deemed complete on April 18, 2016.

Notice of application was mailed to owners of property within 1,000 ft of the subject site, and to owners of property in any residential subdivision within 1,000 ft of the subject site on April 20, 2016, pursuant to Tualatin Development Code (TDC) 31.064(1). Staff received three written comments during the comment period that ended May 4th, 2016, as attached in Exhibit 102. Jonathan Crane from Integrity Staffing relayed observations of “close calls” surrounding the accessway on SW Boones Ferry Road and recommended deeming this driveway “Exit Only.” The Tualatin Community Services Department recommended conditioning the application to include a dedication of the Nyberg Creek Greenway. Clean Water Services wrote that they reviewed the application and had no concerns or objections to the request.

For reference “subject site” or “subject project” means any proposed or required work directly associated with the Tualatin West Center redevelopment.

## II. CONDITIONS OF APPROVAL

Based on the Findings and Conclusions presented, AR-16-0004 is approved, subject to the following Architectural Review conditions of approval:

### PRIOR TO ISSUANCE OF BUILDING PERMITS:

- AR-1 Prior to obtaining building permits on the subject site, the applicant shall submit 3 revised paper plan sets – 24 x 36, a paper narrative, and electronically in Adobe PDF file format – for review and approval to the Planning Division that meet the conditions of approval below. The narrative shall explain how and on what page each condition of approval has been met. The submittal shall contain page numbers and a table of contents. No piecemeal submittals will be accepted. Each submittal will be reviewed in 2 weeks.
- AR-2 The Applicant shall submit revised site plans to illustrate a visibly raised walkway of a different appearance than the adjacent paved vehicular areas. TDC 73.160(1)(a)(iii)
- AR-3 The Applicant shall submit cut sheets of the proposed light fixture model or models demonstrating that models are full cut-off to ensure no light would encroach into public rights-of-way or the Nyberg Creek habitat area. TDC 73.160(3)(c)
- AR-4 The Applicant shall submit a revised landscape plan that fully screens the west, south, and east side of the existing transformer located on the northwest corner of the site, at time of planting and install landscaping according to the revised plan. TDC 73.160(4)(a)
- AR-5 The Applicant shall submit a revised site plan to provide a pair of seven foot wide swinging gates (or obtain approval from Republic Services for the revised plan proposing a pair of six foot wide swinging gates) on the mixed solid waste storage enclosure for hauler access and post no parking signs in Stall # 33 (northern-most stall on east bank) on days of service. TDC 73.227(6)(a)(vii)
- AR-6 The Applicant shall submit a revised landscape plan that includes evergreen screening around the mixed solid waste storage area enclosure, excluding gate or entrance openings and install landscaping according to revised plan. TDC 73.227(6)(b)(iii)
- AR-7 The Applicant shall submit a revised landscape plan that indicates an automatic underground or drip irrigation system in the landscaped areas and install or maintain existing, according to the revised plan. TDC 73.280

### PRIOR TO CERTIFICATE OF OCCUPANCY:

- AR-8 The Applicant shall post an “Exit Only” sign facing the development at the egress drive to SW Boones Ferry Road and a “Do Not Enter” sign facing onto Boones Ferry Road before obtaining Certificate of Occupancy. These signs shall not be posted in the public right of way. TDC 73.380(8)

*Please note the following code requirements apply to the site in an on-going manner:*

- The applicant must submit sign permit applications separately from this AR for any proposed signage.
- Accessways shall be constructed, owned and maintained by the property owner. TDC 73.160(1)(g)
- All building exterior improvements approved through the Architectural Review Process must be continually maintained, including necessary painting and repair, so as to remain substantially

similar to original approval through the Architectural Review Process, unless subsequently altered with Community Development Director's approval. TDC 73.100(2)

- All landscaping approved through architectural review (AR) must be continually maintained, including necessary watering, weeding, pruning and replacement, in a manner substantially similar to that originally approved by the AR decision, unless subsequently altered with Community Development Director's approval. TDC 73.100(1)
- Site landscaping and street trees shall be maintained to meet the vision clearance requirements of TDC 73.400(16).
- The site development and uses must comply with the noise limits of TDC 63.051(1).
- Greenways and Natural Areas in which an access easement is owned by the City, but retained in private ownership, shall be maintained by the property owner in their natural state and may only be modified if a landscape and maintenance plan complies with the approved Plant List in the Parks and Recreation Master Plan, and has been approved through the Architectural Review process or by the Parks and Recreation Director when Architectural Review is not required. TDC 72.060(4)

*Please be advised:*

- The plan sets for the Planning Division must contain sheets relevant to AR conditions of approval while also not being a full building permit set. For example, because the Planning Division needs no erosion control or roof framing plan sheets, exclude them.
- Following Planning Division approval of revised plans and when the constructed site is ready, the applicant must contact the Planning Division for a site inspection in order to obtain a certificate of occupancy (CO). This inspection is separate from inspection(s) done by the Building Division. Staff recommends scheduling a Planning inspection at least three business days in advance of the desired inspection date.

### III. FINDINGS

Reviewing this application in terms of the Tualatin Development Code ([TDC](#)) and other ordinances, the following findings are relevant. All references are to sections in the TDC unless otherwise noted.

#### A. Previous Related Land Use Actions:

- Architectural Review AR84-27 (Tualatin West Center: 16,000 sq ft retail/office complex)

#### B. Planning Districts and Adjacent Land Uses:

The subject property is located in the [Central Commercial \(CC\) Planning District](#) where retail, office, and other services usually found downtown are permitted pursuant to TDC [53.020](#). The subject site is also located in the Central Urban Renewal District, Block #10.

Adjacent planning districts and land uses are clockwise:

N:	CC	Boones Ferry Professional Center, E-Z Kleen Car Wash
E:	CC	Nabco Office/Retail Center
S:	CC	Precision Countertops
W:	CC	TL Brandt Commercial Building (Las Casitas Taqueria, Ome Calli)

**C. Central Commercial Planning District / Central Urban Renewal Area Uses:**

**TDC 53 Central Commercial Planning District (CC)**

**Section 53.020 Permitted Uses.**

No building, structure or land shall be used except for the following uses when conducted wholly within a completely enclosed building, except for utility facilities and wireless communication facilities, and provided retail uses on land designated Employment Area, Corridor or Industrial Area on Map 9-4 shall not be greater than 60,000 square feet of gross floor area per building or business.

The Tualatin West Center is an existing use and retail/office complex with fourteen tenant spaces. Retail and offices uses are permitted in the Central Commercial (CC) district. Staff notes the proposal meets this requirement.

**Section 53.030 Central Urban Renewal Plan - Additional Permitted Uses.**

In the Central Urban Renewal District, additional uses are permitted only on the blocks listed below, as shown on Map 9-3.

(1) The following uses are permitted on Blocks 2, 3, 15, 16, 17, 18, 19, 20, 22 and 23:

(2) Uses permitted in the CG District for Block 30.

(3) Architectural focal element for Blocks 14, 17, 18 and 20.

The Tualatin West Center is existing and located on Block 10 of the Central Urban Renewal Plan. The proposal is not seeking approval for additional permitted uses at this time.

**Section 53.035 Central Urban Renewal Area - Prohibited Uses.**

(1) Take-out restaurant drive-up uses are prohibited in the Central Design District of the Central Urban Renewal Area, shown on Map 9-3.

(2) Photo service drive-up uses are prohibited in the Central Design District of the Central Urban Renewal Area, shown in Map 9-3.

No drive-up uses are being proposed as part of this application. This requirement does not apply.

**D. Lot Sizes, Setback Requirements, Structure Height:**

**Section 53.060 Lot Sizes.**

Except for lots for public utility facilities, natural gas pumping stations and wireless communication facilities which shall be established through the Subdivision, Partition or Lot Line Adjustment process, the following requirements shall apply:

(1) The minimum lot area shall be 10,000 square feet.

(2) The minimum average lot width shall be 75 feet.

(3) The minimum lot width at the street shall be 40 feet.

Applicant Finding: The lot size is 73,124 sq ft, far exceeding the minimums stated in Sections 53.60-70.

Staff notes the lot is approximately 172 ft wide along SW Boones Ferry Road and approximately 420 ft along SW Warm Springs Street according to the 2S 1 24CB tax map, exceeding the minimum requirements. The lot size standard has been met.

**Section 53.070 Central Urban Renewal Area - Lot Sizes.**

Except for lots for public utility facilities, natural gas pumping stations and wireless communication facilities which shall be established through the Subdivision, Partition or Lot Line Adjustment process, and excepting any lot in the Core Area Parking District where TDC 53.070(1)-(5) apply, the minimum lot size in the Central Urban Renewal District shall conform to the lot sizes described on Map 9-3:

...

**(2) For mixed use developments, and common-wall dwellings on separate lots:**

**(a) Lot areas, widths and frontages shall be determined through the Architectural Review Process.**

**(b) Frontage on a public street shall not be required when access via easements is provided in accordance with TDC 73.400.**

**(3) The minimum lot width at the street shall be 40 feet.**

As previously mentioned, the subject site's lot width exceeds the 40 ft street frontage requirement. The Tualatin West Center is located on Block 10 on Map 9-3. The map states that the minimum lot size is 25,000 sq ft. The subject site exceeds this requirement.

#### **Section 53.080 Setback Requirements.**

**(1) Front yard. Except as provided by TDC 53.090(2)(a), zero to 20 feet, as determined through the Architectural Review process.**

**(2) Side yard. Except as provided by TDC 53.090(2)(a), zero to 20 feet, as determined through the Architectural Review process.**

**(3) Rear yard. Zero to 15 feet, as determined through the Architectural Review process.**

**(4) Corner lot yards. Zero to 20 feet for a sufficient distance to provide adequate sight distance for vehicular and pedestrian traffic at an intersection, as determined through the Architectural Review process.**

**(5) Off-street parking and vehicular circulation areas shall be set back a minimum of 5 feet from any public right-of-way or property line, except as approved through the Architectural Review process.**

**(6) No fence shall be constructed within 5 feet of a public right-of-way, except that in residential and mixed use residential developments within the Central Design District the minimum fence setback shall be determined through Architectural Review, with no minimum requirement.**

Applicant Finding: Building setbacks are 83 ft minimum to the SW Boones Ferry Road right of way (front), 41 ft minimum to the SW Warm Springs Street right of way (side), 15 ft to the north property line (side), and 50 ft to the east property line (rear). All exceeding the minimums stated in Section 53.80.

Staff notes that setbacks were reviewed and approved through AR84-27.

#### **Section 53.090 Structure Height.**

**(1) Except for flagpoles displaying the flag of the United States of America, either alone or with the State of Oregon flag which shall not exceed 100 feet in height above grade, and except as provided in TDC 53.090(2), (3) and (4), the maximum height for a structure is 45 feet.**

Staff notes the proposed maximum elevation is 39 ft on the southwest corner feature, as demonstrated on Sheet A4: Elevations. The requirement has been met.

#### **E. Site Planning:**

##### **TDC 73 Community Design Standards**

##### **Section 73.160 Standards.**

The following standards are minimum requirements for commercial, industrial, public and semi-public development, and it is expected that development proposals shall meet or exceed these minimum requirements.

**(1) Pedestrian and Bicycle Circulation.**

**(a) For commercial, public and semi-public uses:**

The subject site is an existing retail/office center in the Central Commercial district. Adherence to the commercial standards is described below.

#### **TDC 31.060 Definitions**

**Walkway.** A pedestrian facility which provides a paved surface for pedestrian circulation within a development. A walkway may be shared with bicycles and may cross vehicle areas.

**(i) a walkway shall be provided between the main entrance to the building and any abutting public right-of-way of an arterial or collector street where a transit stop is designated or provided. The walkway shall be a minimum of 6 feet wide and shall be constructed of concrete, asphalt, or a pervious surface such as pavers or grasscrete, but not gravel or woody material, and be ADA compliant, if applicable;**

Applicant's Response: A new 8 ft concrete and asphalt walkway is shown on drawing A2.2 extending from the public sidewalk in the Warm Springs right of way to the main entry feature at the southwest corner of the building. The walkway is concrete where it traverses planters and asphalt with painted striping where it traverses the parking travel aisle.

Staff notes SW Warm Springs Street is designated a Minor Collector with Trimet Transit Stop 13083. The proposed 8 ft wide walkway meets the requirement.

**(ii) walkways shall be provided between the main building entrances and other on-site buildings and accessways. The walkways shall be a minimum of 6 feet wide and shall be constructed of concrete, asphalt, or a pervious surface such as pavers or grasscrete, but not gravel or woody material, and be ADA compliant, if applicable;**

Applicant's Response: An existing minimum 6 ft wide covered concrete walkway runs along the entire frontage of the building connecting all tenant entries.

Staff notes the proposal meets the requirement as demonstrated on Sheet A2.2.

**(iii) walkways through parking areas, drive aisles, and loading areas shall be visibly raised and of a different appearance than the adjacent paved vehicular areas;**

Applicant's Response: The walkway crosses a narrow width of vehicular circulation at which there are no parking spaces, minimizing the potential danger to pedestrians; consequently, the painted striping proposed as a visually distinct appearance is considered sufficient to alert drivers to use caution.

Staff notes the pedestrian walkway crosses the drive aisle on the southwest end of the site. As the proposal does not specify a visibly raised walkway, the applicant has been conditioned to meet the requirement.

*Condition of Approval: The Applicant shall submit revised site plans to illustrate a visibly raised walkway of a different appearance than the adjacent paved vehicular areas.*

#### **TDC 31.060 Definitions**

**Accessway.** A non-vehicular, paved pathway designed for pedestrian and bicycle use and providing convenient linkages between a development and adjacent residential and commercial properties and areas intended for public use such as schools, parks, and adjacent collector and arterial streets where transit stops or bike lanes are provided or designated. An accessway is not a sidewalk.

**(iv) accessways shall be provided as a connection from the development's internal bikeways and walkways to all of the following locations that apply: abutting arterial or collector streets upon which transit stops or bike lanes are provided or designated; abutting undeveloped**

**residential or commercial areas; adjacent undeveloped sites where an agreement to provide an accessway connection exists; and to abutting publicly-owned land intended for general public use, including schools;**

**(v) fences or gates which prevent pedestrian and bike access shall not be allowed at the entrance to or exit from any accessway.**

**(vi) bikeways shall be provided which link building entrances and bike facilities on the site with the adjoining public right-of-way and accessways.**

**(vii) Outdoor Recreation Access Routes shall be provided between the development's walkway and bikeway circulation system and parks, bikeways and greenways where a bike or pedestrian path is designated.**

Staff notes SW Warms Springs Road is designated a Minor Collector with Trimet Transit Stop 13083. The proposal includes an accessway from the internal site south to the sidewalk on SW Warm Springs Road, which connect to neighboring commercial sites.

SW Boones Ferry Road is designated a Major Arterial with a southbound bike lane. As there is an existing storm water swale located between the sidewalk and the retail/office complex, staff will not request an accessway to SW Boones Ferry Road. Additionally there is a Greenway Overlay located on the north boundary of the property. The Applicant has been conditioned to provide a Greenway dedication as cited in TDC 72.030(3). This requirement has been met.

**(b) For Industrial Uses...**

No Industrial uses are proposed. This section does not apply to the proposal.

**(c) Curb ramps shall be provided wherever a walkway or accessway crosses a curb.**

Applicant's Response: The concrete portions of the walkway are ramps – one at the north end of the walkway transitioning to the concrete walkway around the building and one at the south end of the walkway transitioning to the public sidewalk.

Staff notes that three pedestrian walkways are proposed to cross a curb and all have curb ramps as noted on the Proposed Site Plan, Sheet A2.2. A walkway/accessway is located on the west side of the building and connects to SW Warm Spring Road sidewalks by two curb ramps on either side of the drive aisle. A second walkway is proposed on the southwest corner of the development and connects to accessible parking stalls via a curb ramp. A third walkway is proposed in the central area of the development and connects to the accessible parking stall via a curb ramp. This requirement is met.

**(d) Accessways shall be a minimum of 8 feet wide and constructed in accordance with the Public Works Construction Code if they are public accessways, and if they are private accessways they shall be constructed of asphalt, concrete or a pervious surface such as pervious asphalt or concrete, pavers or grasscrete, but not gravel or woody material, and be ADA compliant, if applicable.**

Staff notes that one 8 ft wide accessway is proposed. The Applicant has been conditioned in AR-2 to provide a visibly raised walkway of a different appearance than the paved vehicular area. With this condition of approval, the requirement has been met.

**(e) Accessways to undeveloped parcels or undeveloped transit facilities need not be constructed at the time the subject property is developed. In such cases the applicant for development of a parcel adjacent to an undeveloped parcel shall enter into a written agreement with the City guaranteeing future performance by the applicant and any successors in interest**



**of the property being developed to construct an accessway when the adjacent undeveloped parcel is developed. The agreement shall be subject to the City's re-view and approval.**

Neighboring parcels are developed and transit facilities are in place. This section does not apply to the proposal.

**(f) Where a bridge or culvert would be necessary to span a designated greenway or wetland to provide a connection to a bike or pedestrian path, the City may limit the number and location of accessways to reduce the impact on the greenway or wetland.**

As previously mentioned, there is an existing storm water swale located between the sidewalk on SW Boones Ferry Road and the retail/office complex. As a result, staff is not requesting an accessway to SW Boones Ferry Road to limit the impact on wetlands.

**(g) Accessways shall be constructed, owned and maintained by the property owner.**

A note has been added under the conditions of approval to specify this.

## **(2) Drive-up Uses.**

No drive-up uses are proposed. This section does not apply to the proposal.

## **(3) Safety and Security.**

**(a) Locate windows and provide lighting in a manner which enables tenants, employees and police to watch over pedestrian, parking and loading areas.**

Applicant Response: The existing building storefronts provide two-way visibility and are proposed to be enlarged, which will improve visibility. Existing site lighting is proposed to be upgraded to LED lamps, which will improve lighting levels.

The existing storefronts have windowed doors and windows that are approximately 5.25 ft high. Staff notes that full size windows and windowed doors are proposed to increase visibility, on the Elevations included on Sheet A4. Lighting is existing on site. The proposal did not include a lighting or photometric plan, and the plan set Cover Sheet states that no changes to interior lighting are proposed at this time, and that exterior fixtures will have a motion detector and/or photo electric control. This requirement is met.

**(b) In commercial, public and semi-public development and where possible in industrial development, locate windows and provide lighting in a manner which enables surveillance of interior activity from the public right-of-way.**

Staff notes the existing storefronts face out to the public rights-of-way. As previously mentioned the Applicant intends to upgrade the façade with full sized windows and improved exterior lighting, which will enable surveillance of interior activity. This requirement is met.

**(c) Locate, orient and select on-site lighting to facilitate surveillance of on-site activities from the public right-of-way without shining into public rights-of-way or fish and wildlife habitat areas.**

The proposal did not include a lighting or photometric plan. The plan set Cover Sheet notes that changes may be proposed to exterior fixtures, but they will be reused to the extent practical. A condition of approval will be applied to ensure this requirement is met.

*Condition of Approval: The Applicant shall submit cut sheets of the proposed light fixture model or models demonstrating that models are full cut-off to ensure no light would encroach into public rights-of-way or the Nyberg Creek habitat area.*

**(d) Provide an identification system which clearly locates buildings and their entries for patrons and emergency services.**

Façade changes are proposed to an existing building. No changes are proposed to the existing identification system. This requirement does not apply.

**(e) Shrubs in parking areas must not exceed 30 inches in height. Tree canopies must not extend below 8 feet measured from grade.**

Improvements to landscaping are proposed on Sheet L2 and include Tam Juniper, Windmill Palm, and Bowhall Maple. The Windmill Palms are proposed at 6 ft but commonly grow to 10-12 ft. The Tam Juniper and Bowhall Maple meet this requirement. Please refer to TDC 73.400(16) for discussion and regarding vision clearance area. The requirement is met.

**(f) Above ground sewer or water pumping stations, pressure reading stations, water reservoirs, electrical substations, and above ground natural gas pumping stations shall provide a minimum 6' tall security fence or wall.**

No pumping stations, reading stations, reservoirs, or substations are included as part of this proposal. This section does not apply to the proposal.

**(4) Service, Delivery and Screening.**

**(a) On and above grade electrical and mechanical equipment such as transformers, heat pumps and air conditioners shall be screened with sight obscuring fences, walls or landscaping.**

A transformer is located on the northwest corner of the property. The Applicant is proposing to screen it with a Bowhall Maple tree on Sheet L2. Staff notes the tree is located in close proximity to the transformer pad and is the wrong height to screen the transformer. Staff notes that shrubbery is better suited for screening purposes and has conditioned the Applicant.

*Condition of Approval: The Applicant shall submit a revised landscape plan that fully screens the west, south, and east side of the existing transformer located on the northwest corner of the site, at time of planting and install landscaping according to the revised plan.*

**(b) Outdoor storage, excluding mixed solid waste and source separated recyclables storage areas listed under TDC 73.227, shall be screened with a sight obscuring fence, wall, berm or dense evergreen landscaping.**

Applicant's Response: Trash areas are enclosed by a sight obscuring wood fencing.

Staff notes there are two existing solid waste areas located on site: one on the northwest corner of the retail /office complex and one on the northeast corner of the parking lot. The Applicant is proposing to remove the northwest location and improve and expand the northeast location with a sight obscuring fence. This requirement has been met.

**(c) Above ground pumping stations, pressure reading stations, water reservoirs; electrical substations, and above ground natural gas pumping stations shall be screened with sight-obscuring fences or walls and landscaping.**

No pumping stations, reading stations, reservoirs, or substations are included as part of this proposal. This section does not apply to the proposal.

**(5) The Federal Americans with Disabilities Act (ADA) applies to development in the City of Tualatin. Although TDC, Chapter 73 does not include the Oregon Structural Specialty Code's (OSSC) accessibility standards as requirements to be reviewed during the Architectural Review process, compliance with the OSSC is a requirement at the Building Permit step. It is strongly recommended all materials submitted for Architectural Review show compliance with the OSSC.**

Staff notes that curb ramps are being proposed to connect pedestrian walkways from the center to parking areas and public rights-of-way. Three ADA stalls are also being proposed.

**(6) Development on Transit Designated Street**

**(a) All industrial, institutional, retail and office development on a transit street designated in TDC Chapter 11 (Figure 11-5) shall provide either a transit stop pad on-site, or an on-site or public sidewalk connection to a transit stop along the subject property's frontage on the transit street.**

SW Warm Springs Street and SW Boones Ferry Road are both existing fixed-route bus transit lines as designated on Figure 11-5. There is an existing Trimet Transit Stop 13083 located on the public sidewalk south of the site. This requirement is met.

**(b) In addition to (a) above, new retail, office and institutional uses abutting major transit stops as designated in TDC Chapter 11 (Figure 11-5) shall:**

...

No expansion of new retail or office space is proposed as part of this proposal. This section does not apply.

**F. Structure Design:**

**Section 73.210 Objectives.**

All commercial, industrial, public and semi-public projects should strive to meet the following objectives to the maximum extent practicable. Architects and developers should consider these elements in designing new projects. In the Central Design District, the Design Guidelines of TDC 73.610 shall be considered. In case of conflicts between objectives, the proposal shall provide a desirable balance between the objectives. Buildings shall be designed, to the maximum extent practicable, to:

- (1) Minimize disruption of natural site features such as topography, trees and water features.**
- (2) Provide a composition of building elements which is cohesive and responds to use needs, site context, land form, a sense of place and identity, safety, accessibility and climatic factors. Utilize functional building elements such as arcades, awnings, entries, windows, doors, lighting, reveals, accent features and roof forms, whenever possible, to accomplish these objectives.**
- (3) Where possible, locate loading and service areas so that impacts upon surrounding areas are minimized. In commercial areas loading docks should face outward towards the public right-of-way or perimeter of the site or both.**
- (4) Enhance energy efficiency in commercial and industrial development through the use of landscape and architectural elements such as arcades, sunscreens, lattice, trellises, roof overhangs and window orientation.**
- (5) Locate and design entries and loading/service areas in consideration of climatic conditions such as prevailing winds, sun and driving rains.**

**(6) Give consideration to organization, design and placement of windows as viewed on each elevation having windows. Surveillance over parking areas from the inside, as well as visual surveillance from the outside in, should be considered in window placement.**

**(7) Select building materials which contribute to the project's identity, form and function, as well as to the surrounding environment.**

**(8) Select colors in consideration of lighting conditions and the context under which the structure is viewed, the ability of the material to absorb, reflect or transmit light and the color's functional role (e.g., to identify and attract business, aesthetic reasons, image-building).**

**(9) Where possible, locate windows and provide lighting in a manner which enables tenants, employees and police to watch over pedestrian, parking and loading areas.**

**(10) Where practicable locate windows and provide lighting in a manner which enables surveillance of interior activity from the public right-of-way or other public areas.**

The retail/office center building and site is existing and no expansion of use is proposed. As such, Subsection (1), (3), and (5) do not apply.

(2)(4)(6)(7)(8)(9)(10) The proposal includes new storefronts/windows meeting current standards under the State of Oregon Energy Efficiency Code and enhanced LED lighting. Windows face out to the parking and public areas to facilitate two-way surveillance. Façade improvements maintain the covered arcade to provide shading. Refinishing the exterior fascia will update and modernize the center to current development standards. Finishes include a domed tower, enhanced columns with stone veneer accents, and synthetic stucco accents. A warm and neutral color palette is proposed.



#### **Section 73.220 Standards.**

The following standards are minimum requirements for commercial, industrial, public and semi-public development and it is expected that development proposals shall meet or exceed these minimum requirements.

##### **(1) Safety and Security.**

...

These standards were addressed in TDC 73.160(3). The Applicant was conditioned to ensure site lighting did not shine on public rights-of-way or habitat areas.

**G. Mixed Solid Waste and Source Separated Recyclables Storage Areas:**

**Section 73.227 Standards.**

The following standards are minimum requirements for mixed solid waste and source separated recyclables storage areas. To provide for flexibility in designing functional storage areas, this section provides four different methods to meet the objectives of providing adequate storage for mixed solid waste and source separated recyclables and improving the efficiency of collection. An applicant shall choose and implement one of the following four methods to demonstrate compliance: 1) minimum standards; 2) waste assessment; 3) comprehensive recycling plan; or 4) franchised hauler review, as more fully described in subsections (2), (3), (4) and (5) of this section.

(1) The mixed solid waste and source separated recyclables storage standards shall apply to all new or expanded multi-family residential developments containing five or more units and to new or expanded commercial, industrial, public and semi-public development.

The Applicant is not expanding the existing commercial use. This section does not apply.

**(2) Minimum Standards Method.** This method specifies a minimum storage area requirement based on the size and general use category of the new or expanded development. This method is most appropriate when specific use of a new or expanded development is not known. It provides specific dimensional standards for the minimum size of storage areas by general use category.

**(a)** The size and location of the storage area(s) shall be indicated on the site plan. Compliance with the requirements set forth below are reviewed through the Architectural Review process.

**(i)** The storage area requirement is based on the area encompassed by predominant use(s) of the building as well as the area encompassed by other distinct uses. If a building has more than one use and that use occupies 20 percent or less of the gross leasable area (GLA) of the building, the GLA occupied by that use shall be counted toward the floor area of the predominant use(s). If a building has more than one use and that use occupies more than 20 percent of the GLA of the building, then the storage area requirement for the whole building shall be the sum of the area of each use.

Staff notes there are two existing solid waste areas located on site that were approved through AR84-27: one on the northwest corner of the retail /office complex and one on the northeast corner of the parking lot. The Applicant is proposing to remove the northwest location and improve and expand the northeast location as shown on Sheet A2.2. The building is 16,000 sq ft and 12,000 sq ft is dedicated to retail use with the remaining 4,000 sq ft being dedicated to office use (75/25% split).

**(ii) Storage areas for multiple uses on a single site may be combined and shared.**

The storage area will be shared by all users on site.

**(iii)** The specific requirements are based on an assumed storage area height of 4 feet for mixed solid waste and source separated recyclables. Vertical storage higher than 4 feet, but no higher than 7 feet may be used to accommodate the same volume of storage in a reduced floor space (potential reduction of 43 percent of specific requirements). Where vertical or stacked storage is proposed, submitted plans shall include drawings to illustrate the layout of the storage area and dimensions for containers.

The Applicant is not seeking a higher or stacked vertical storage facility. This section does not apply.

**(iv) Multi-family residential developments ....**

No residential uses are proposed with this application. This section does not apply.

**(v) Commercial, industrial, public and semi-public developments shall provide a minimum storage area of 10 square feet plus: Office - 4 square feet/1000 square feet gross leasable area (GLA) and Retail - 10 square feet/1000 square feet GLA.**

Applicant's Response: The storage area proposed on the site plan is 540 sq ft, which exceeds the minimum of 160 sq ft based on the standard for retail of 10 sq ft per 1,000 sq ft of building where this building is 16,000 sq ft.

Staff notes the building is 16,000 sq ft and 12,000 sq ft is dedicated to retail use with the remaining 4,000 sq ft being dedicated to office use (75/25% split). Required mixed use storage is as follows:

Minimum: 10 sq ft (+)

Office:  $4 \text{ sq ft} \times 4,000/1,000 \text{ sq ft} = 16 \text{ sq ft (+)}$

Retail:  $10 \text{ sq ft} \times 12,000/1,000 \text{ sq ft} = 120 \text{ sq ft}$

**Total = 146 sq ft**

The Applicant will provide 540 sq ft of mixed use storage area through this proposal, as shown on A2.2. This will exceed the minimum required, fulfilling this requirement.

**(3) Waste Assessment Method. ...**

**(4) Comprehensive Recycling Plan Method. ...**

**(5) Franchised Hauler Review Method. ...**

The Applicant has chosen to implement the minimum standards method for solid waste storage and is not seeking implementation of any of the remaining three methods. This section does not apply to the proposal.

**(6) Location, Design and Access Standards for Storage Areas. The following location, design and access standards are applicable for storage areas:**

**(a) Location Standards**

**(i) To encourage its use, the storage area for source separated recyclables may be co-located with the storage area for mixed solid waste.**

The Applicant will co-locate recyclables with mixed solid waste in the storage area located on the northeast corner of the parking lot. As the applicant is providing 394 sq ft of storage area above the minimum required, adequate space is available for the shared recycling.

**(ii) Indoor and outdoor storage areas shall comply with Building and Fire Code requirements.**

The Applicant will comply with the Building and Fire Code requirements through Building Permit review and approval of proposed improvements.

**(iii) Storage area space requirements can be satisfied with a single location or multiple locations, and can combine both interior and exterior locations.**

The Applicant is proposing one single exterior mixed solid waste storage area on the northeast corner of the parking lot.

**(iv) Exterior storage areas shall not be located within a required front yard setback or in a yard adjacent to a public or private street.**

Staff notes that the proposed storage area is located 54 ft from the side yard facing SW Warm Springs Street and 9 ft from the rear yard adjacent to the commercial development to the east. This requirement is met.

**(v) Exterior storage areas shall be located in central and visible locations on the site to enhance security for users.**

As previously mentioned, the Applicant is proposing to retain and improve the existing storage area on the northeast corner of the parking lot. This area has proven to be appropriately located for visibility and security as demonstrated on Sheet A2.2. This requirement has been met.

**(vi) Exterior storage areas can be located in a parking area, if the proposed use provides parking spaces required through the Architectural Review process. Storage areas shall be appropriately screened according to TDC 73.227(6)(b)(iii).**

Staff notes the exterior storage is abutting a parking area that was approved through AR84-27. Screening is discussed in the appropriate subsection below.

**(vii) Storage areas shall be accessible for collection vehicles and located so that the storage area will not obstruct pedestrian or vehicle traffic movement on site or on public streets adjacent to the site.**

Republic Services reviewed and approved the improved storage plan on January 9<sup>th</sup>, 2015 attached as Exhibit 102. Republic was provided a site plan with a pair of 7 ft wide swinging gates, which the Applicant has revised to 6 ft. Republic has also asked that the Applicant post a no parking sign in Stall # 33 on days of service. The Applicant has been conditioned to adhere to Republic's review comments.

*Condition of Approval: The Applicant shall submit a revised site plan to provide a pair of seven foot wide swinging gates (or obtain approval from Republic Services for the revised plan proposing a pair of six foot wide swinging gates) on the mixed solid waste storage enclosure for hauler access and post no parking signs in Stall #33 (northern-most stall on east bank) on days of service.*

**(b) Design Standards**

**(i) The dimensions of the storage area shall accommodate containers consistent with current methods of local collection at the time of Architectural Review approval.**

Staff notes the enclosure has sufficient space to accommodate multiple two yard dumpsters or larger.

**(ii) Storage containers shall meet Fire Code standards and be made and covered with water proof materials or situated in a covered area.**

The Applicant shall use standard dumpster containers or other storage containers that meet Fire Code standards.

**(iii) Exterior storage areas shall be enclosed by a sight obscuring fence or wall at least 6 feet in height. In multi-family, commercial, public and semi-public developments evergreen plants shall be placed around the enclosure walls, excluding the gate or entrance openings. Gate openings for haulers shall be a minimum of 10 feet wide and shall be capable of being secured in a closed and open position. A separate pedestrian access shall also be provided in multi-family, commercial, public and semi-public developments.**

Staff notes that the Applicant is proposing to expand the northeast location to be 30 ft L x 18 ft W x 6 ft H with a pair 6 ft wide swinging gates facing the drive aisle for hauler access and a single 3 ft gate for

tenant access on the northwest corner of the storage area. No landscaped screening is included as part of this proposal, therefore the Applicant shall be conditioned to comply with this requirement.

*Condition of Approval: The Applicant shall submit a revised landscape plan that includes evergreen screening around the mixed solid waste storage area enclosure, excluding gate or entrance openings and install landscaping according to the revised plan.*

**(iv) Exterior storage areas shall have either a concrete or asphalt floor surface.**

Applicant's Response: The facility is paved with pervious concrete pavers to provide an acceptable surface without adding to the impervious area on the site.

Staff notes a comment is included on Sheet A2.2, stating pervious pavers are to be used for the flooring surface in the storage enclosure. Staff finds this acceptable to meet the requirement.

**(v) Storage areas and containers shall be clearly labeled to indicate the type of material accepted.**

The Applicant shall clearly label all containers to indicate the type of material accepted.

**(c) Access Standards**

**(i) Access to storage areas can be limited for security reasons. However, the storage areas shall be accessible to users at convenient times of the day, and to hauler personnel on the day and approximate time they are scheduled to provide hauler service.**

**(ii) Storage areas shall be designed to be easily accessible to hauler trucks and equipment, considering paving, grade, gate clearance and vehicle access. A minimum of 10 feet horizontal clearance and 8 feet vertical clearance is required if the storage area is covered.**

**(iii) Storage areas shall be accessible to collection vehicles without requiring backing out of a driveway onto a public street. If only a single access point is available to the storage area, adequate turning radius shall be provided to allow vehicles to safely exit the site in a forward motion.**

As previously mentioned, Republic Services has reviewed and approved the proposed storage enclosure plans. The Applicant has been conditioned per comments received on January 9<sup>th</sup>, 2015 from Republic. The hauler has asked the Applicant to post no parking signs on Stall #33 on service days to ensure adequate access and turning radius.

**H. Landscaping:**

**Section 73.240 Landscaping General Provisions.**

**(1) The following standards are minimum requirements.**

**(2) ...**

**(3) The minimum area requirement for landscaping for uses in CO, CR, CC, CG, ML and MG Planning Districts shall be fifteen (15) percent of the total land area to be developed, except within the Core Area Parking District, where the minimum area requirement for landscaping shall be 10 percent. When a dedication is granted in accordance with the planning district provisions on the subject property for a fish and wildlife habitat area, the minimum area requirement for landscaping may be reduced by 2.5 percent from the minimum area requirement as determined through the AR process.**

Applicant's Response: The existing landscape area on the site is 26,000 sq ft of the 73,124 sq ft total site area, which is 35.6%, far exceeding the minimum.



Staff notes the property is zoned CC – Central Commercial and is located in the Central Urban Renewal District. The retail/office complex is existing and landscaping was approved through AR84-27. The Applicant is proposing to improve and update landscaping as shown on Sheet L2. Additionally the site is located south of Nyberg Creek has been conditioned to provide a Creek Greenway (NRPO-GC) dedication. This requirement has been met.

**(4), (5), (6), (7), (8)...**

**(9) Yards adjacent to public streets, except as described in the Hedges Creek Wetlands Mitigation Agreement, TDC 73.240(7), shall be planted to lawn or live groundcover and trees and shrubs and be perpetually maintained in a manner providing a park-like character to the property as approved through the Architectural Review process.**

Applicant's Response: Existing trees at the street frontage perimeter of the site are not appropriate due to their growth characteristics or locations and are proposed to be replaced with more appropriate species/locations.

Staff notes that site abuts SW Boones Ferry Road and SW Warm Springs Street. As landscaping was approved and installed in 1984, staff agrees that landscaping is toward the end of its useful life and is due for replacement. The Applicant is proposing Bowhall Maple, Windmill Palm, and Tam Juniper along the public street frontages. The Applicant states "Existing shrubs and groundcover to remain in all planter/landscape locations. Provide new shrubs and groundcover to match, at new or restored planters," on Sheet L2. This requirement has been met.

**(10)...**

**(11) Any required landscaped area shall be designed, constructed, installed, and maintained so that within three years the ground shall be covered by living grass or other plant materials. (The foliage crown of trees shall not be used to meet this requirement.) A maximum of 10% of the landscaped area may be covered with un-vegetated areas of bark chips, rock or stone. Disturbed soils are encouraged to be amended to an original or higher level of porosity to regain infiltration and stormwater storage capacity.**

The Applicant intends to improve the existing landscaping and has noted the use of groundcover. No bark chips, rock, or stone are proposed. Soil disturbance will be limited to areas of landscape improvement. This requirement has been met.

**(12) ...**

**(13) Landscape plans for required landscaped areas that include fences should carefully integrate any fencing into the plan to guide wild animals toward animal crossings under, over, or around transportation corridors.**

There are neither existing fences nor proposed fences as part of this application. This section does not apply.

#### **Section 73.260 Tree and Plant Specifications.**

**(1) The following specifications are minimum standards for trees and plants:**

**(a) Deciduous Trees:**

**Deciduous shade and ornamental trees shall be a minimum one and one-half inch (1 1/2") caliper measured six inches (6") above ground, balled and burlapped. Bare root trees will be acceptable to plant during their dormant season. Trees shall be characteristically shaped specimens.**

The Applicant is proposing 2" caliper Bowhall Maple trees. This requirement has been met.

**(b) Coniferous Trees.**

No coniferous trees are proposed. This section does not apply.

**(c) Evergreen and Deciduous Shrubs.**

**Evergreen and deciduous shrubs shall be at least one (1) to five (5) gallon size. Shrubs shall be characteristically branched. Side of shrub with best foliage shall be oriented to public view.**

The Applicant is proposing 6 ft high Windmill Palms and Tam Juniper in 2 gallon containers. This requirement has been met.

**(d) Groundcovers.**

**Groundcovers shall be fully rooted and shall be well branched or leafed. English ivy (*Hedera helix*) is considered a high maintenance material which is detrimental to other landscape materials and buildings and is therefore prohibited.**

No English ivy is proposed. Groundcover shall be installed in accordance with the provision of Sunset New Western Garden Book or the American Nurseryman Association Standards.

**(e) Lawns.**

**Lawns shall consist of grasses, including sod, or seeds of acceptable mix within the local landscape industry. Lawns shall be 100 percent coverage and weed free.**

No additional grass or sod is proposed. This section does not apply.

**Section 73.280 Irrigation System Required.**

**Except for townhouse lots, landscaped areas shall be irrigated with an automatic underground or drip irrigation system.**

The proposal is silent on an existing or proposed irrigation system; therefore the Applicant shall be conditioned to comply with this requirement.

*Condition of Approval: The Applicant shall submit a revised landscape plan that indicates an automatic underground or drip irrigation system in the landscaped areas and install or maintain existing, according to the revised plan.*

**Section 73.290 Re-vegetation in Un-landscaped Areas.**

**The purpose of this section is to ensure erosion protection, and in appropriate areas to encourage soil amendment, for those areas not included within the landscape percentage requirements so native plants will be established, and trees will not be lost.**

**(1) Where vegetation has been removed or damaged in areas not affected by the landscaping requirements and that are not to be occupied by structures or other improvements, vegetation shall be replanted.**

**(2) Plant materials shall be watered at intervals sufficient to ensure survival and growth for a minimum of two growing seasons.**

**(3) The use of native plant materials is encouraged to reduce irrigation and maintenance demands.**

**(4) Disturbed soils should be amended to an original or higher level of porosity to regain infiltration and stormwater storage capacity.**

The Applicant is not proposing an expansion of the current development. Soil disturbance will be limited to areas of landscape improvement, and the selected landscaping is an appropriate choice for the region. This requirement has been met.

**Section 73.310 Landscape Standards - Commercial, Industrial, Public and Semi-Public Uses.**

**(1) A minimum 5-foot-wide landscaped area must be located along all building perimeters which are viewable by the general public from parking lots or the public right-of-way, excluding loading areas, bicycle parking areas and pedestrian egress/ingress locations. Pedestrian amenities such as landscaped plazas and arcades may be substituted for this requirement. This requirement shall not apply where the distance along a wall between two vehicle or pedestrian access openings (such as entry doors, garage doors, carports and pedestrian corridors) is less than 8 feet.**

The existing retail/office center was approved through AR84-27. While there is no existing 5 ft wide landscape area along the building perimeter viewable from the general public, the development has a covered arcade along the public perimeter of the building. As arcades constitute a suitable substitute to the landscape standard, this requirement has been met.

**(2) Areas exclusively for pedestrian use that are developed with pavers, bricks, etc., and contain pedestrian amenities, such as benches, tables with umbrellas, children's play areas, shade trees, canopies, etc., may be included as part of the site landscape area requirement.**

The Applicant is not seeking additional landscape area to meet development requirements. This section does not apply.

**(3) All areas not occupied by buildings, parking spaces, driveways, drive aisles, pedestrian areas or undisturbed natural areas shall be landscaped.**

The Applicant is not proposing an expansion of the current development. Soil disturbance will be limited to areas of landscape improvement, and the selected landscaping is an appropriate choice for the region. This requirement has been met.

**Section 73.340 Off-Street Parking Lot and Loading Area Landscaping - Commercial, Industrial, Public and Semi-Public Uses, and Residential and Mixed Use Residential Uses within the Central Design District.**

**(1) A clear zone shall be provided for the driver at ends of on-site drive aisles and at driveway entrances, vertically between a maximum of 30 inches and a minimum of 8 feet as measured from the ground level, except for parking structures and underground parking where this provision shall not apply.**

The Applicant did not include vision clearance triangles on the proposed landscape plan. Staff notes landscaping is proposed in the clear zone and will condition the Applicant to comply with this standard in TDC 73.400(16).

**(2) Perimeter site landscaping of at least 5 feet in width shall be provided in all off-street parking and vehicular circulation areas (including loading areas).**

**(a) The landscape area shall contain:**

**(i) Deciduous trees on average of not more than 30 feet on center. The trees shall meet the requirements of TDC 73.360(7).**

**(ii) Plantings which reach a mature height of 30 inches in three years which provide screening of vehicular headlights year round.**

**(iii) Shrubs or ground cover, planted so as to achieve 90 percent coverage within three years.**

**(iv) Native trees and shrubs are encouraged.**

Staff notes that perimeter landscape strips exist for parking areas on the south and west side of the site. The strips vary in size from 5-30 ft. The Applicant is proposing to update landscaping as previously described. Deciduous trees are proposed from between 40-60 ft on center, which exceeds the 30 ft minimum requirement. However, the Applicant is proposing to plant Windmill Palms between the deciduous trees, providing a tree at 30 ft on center. The existing and mature ground cover is to remain. This requirement has been met.

**(b) Where off-street parking areas on separate lots are adjacent to one another and are connected by vehicular access, the landscaped strips required in subsection (2) of this section are not required.**

The off-street parking area does not connect to an adjacent lot. This section does not apply.

**Section 73.360 Off-Street Parking Lot Landscape Islands - Commercial, Industrial, Public, and Semi-Public Uses.**

**(1) A minimum of 25 square feet per parking stall shall be improved with landscape island areas. They may be lower than the surrounding parking surface to allow them to receive stormwater run-off and function as water quality facilities as well as parking lot landscaping. They shall be protected from vehicles by curbs, but the curbs may have spaces to allow drainage into the islands. They shall be dispersed throughout the parking area [see TDC 73.380(3)]. They shall be planted with groundcover or shrubs that will completely cover the island area within 3 years. They shall be planted with deciduous shade trees when needed to meet the parking lot shade tree requirements. Native plant materials are encouraged. Landscape square footage requirements shall not apply to parking structures and underground parking.**

Staff notes there are 65 existing parking stalls and 1,400 sq ft of existing landscape island area as approved through AR84-27. This is 225 sq ft short of current standards; however 35.6% of the site is landscaped. As the Applicant is not expanding development on site and is improving landscaping, staff finds the existing landscape island area sufficient. Curbs are provided around the islands to protect landscaping from vehicles. A water quality facility is provided to the west side of the parking lot.

**(2) Landscaped island areas with deciduous parking lot shade trees shall be a minimum of 5 feet in width (from inside of curb to curb).**

Landscape island areas are a minimum of 5 ft in width throughout the parking area as shown on A2.2 and L2.

**(3) A minimum of one deciduous shade tree shall be provided for every four (4) parking spaces to lessen the adverse impacts of glare, reduce heat from paved surfaces, and to emphasize circulation patterns. Required shade trees shall be uniformly distributed throughout the parking lot (see TDC 73.380(3)), except that within the Central Design District landscape islands and shade trees may be placed to frame views of the Tualatin Commons water feature or identified architectural focal elements. The trees shall meet the requirements of TDC 73.360(7). Parking lot shade tree requirements shall not apply to parking structures and underground parking.**

Staff notes there are 65 existing parking stalls. The Applicant is proposing to provide 21 Bowhall Maple trees in the parking area, which exceeds the 17 tree minimum.

**(4) Landscape islands shall be utilized at aisle ends to protect parked vehicles from moving vehicles and emphasize vehicular circulation patterns. Landscape island location requirements shall not apply to parking structures and under-ground parking.**

Landscape islands are existing. The Applicant is proposing to restore their condition and improve the landscaping. No expansion of their structure is proposed.

**I. Tree Preservation:**

**Section 34.230 Tree Removal Criteria.**

The Community Development Director shall consider the following criteria when approving, approving with conditions, or denying a request to cut trees.

**(1) An applicant must satisfactorily demonstrate that any of the following criteria are met:**

**(a) The tree is diseased...**

**(b) The tree represents a hazard...**

**(c) It is necessary to remove the tree to construct proposed improvements based on Architectural Review approval, building permit, or approval of a Subdivision or Partition Review.**

Existing landscaping was approved and installed in 1984 through AR84-27. As such, staff notes that the site landscaping is toward the end of its useful life and is due for replacement. The Applicant is proposing to improve landscape conditions through review of this AR submittal. Existing landscaping proposed for removal is shown on Sheet L1 and includes nine Sweet Gum trees and ten Vine Maples.

**Section 73.250 Tree Preservation.**

**(1) Trees and other plant materials to be retained shall be identified on the landscape plan and grading plan.**

The Applicant has noted that they wish to maintain existing shrubs and groundcover in good condition.

**(2) During the construction process:**

**(a) The owner or the owner's agents shall provide above and below ground protection for existing trees and plant materials identified to remain.**

**(b) Trees and plant materials identified for preservation shall be protected by chain link or other sturdy fencing placed around the tree at the drip line.**

**(c) If it is necessary to fence within the drip line, such fencing shall be specified by a qualified arborist as defined in TDC 31.060.**

**(d) Neither top soil storage nor construction material storage shall be located within the drip line of trees designated to be preserved.**

**(e) Where site conditions make necessary a grading, building, paving, trenching, boring, digging, or other similar encroachment upon a preserved tree's drip-line area, such grading, paving, trenching, boring, digging, or similar encroachment shall only be permitted under the direction of a qualified arborist. Such direction must assure that the health needs of trees within the preserved area can be met.**

**(f) Tree root ends shall not remain exposed.**

**(3) Landscaping under preserved trees shall be compatible with the retention and health of said tree.**

**(4) When it is necessary for a preserved tree to be removed in accordance with TDC 34.210 the landscaped area surrounding the tree or trees shall be maintained and replanted with trees that relate to the present landscape plan, or if there is no landscape plan, then trees that are complementary with existing, nearby landscape materials. Native trees are encouraged**

**(5) Pruning for retained deciduous shade trees shall be in accordance with National Arborist Association "Pruning Standards For Shade Trees," revised 1979.**

**(6) Except for impervious surface areas, one hundred percent (100%) of the area preserved under any tree or group of trees retained in the landscape plan (as approved through the Architectural Review process) shall apply directly to the percentage of landscaping required for a development.**

The Applicant is not proposing to retain any existing trees. Subsections (2)-(6) do not apply to this proposal.

## **J. Off-Street Parking and Loading:**

### **Section 73.370 Off-Street Parking and Loading.**

#### **(1) General Provisions.**

**(a) At the time of establishment of a new structure or use, or change in use, or change in use of an existing structure, within any planning district of the City, off-street parking spaces, off-street vanpool and carpool parking spaces for commercial, institutional and industrial uses, off-street bicycle parking, and off-street loading berths shall be as provided in this and following sections, unless greater requirements are otherwise established by the conditional use permit or the Architectural Review process, based upon clear findings that a greater number of spaces are necessary at that location for protection of public health, safety and welfare or that a lesser number of vehicle parking spaces will be sufficient to carry out the objectives of this section. In the Central Design District, the Design Guidelines of TDC 73.610 shall be considered. In case of conflicts between guidelines or objectives in TDC Chapter 73, the proposal shall provide a balance.**

The Applicant is not proposing a change or expansion of use. Parking is existing on the west and south side of the site as approved through AR84-27. This section does not apply to the proposal.

#### **(2) Off-Street Parking Provisions.**

**(a) The following are the minimum and maximum requirements for off-street motor vehicle parking in the City, except for minimum parking requirements for the uses in TDC 73.370(2)(a) (Residential Uses: iii, iv, v, vi, vii; Places of Public Assembly: I, ii, iv; Commercial Amusements: I, ii; and Commercial: I, ii, xi, xii, xiv) within the Core Area Parking District (CAPD). Minimum standards for off-street motor vehicle parking for the uses in 73.370(2) (a) Residential Uses: iii, iv, v, vi, vii; Places of Public Assembly: I, ii, iv; Commercial Amusements: I, ii; and Commercial: I, ii, xi, xii, xiv in the CAPD are in TDC 73.370(2)(b). The maximum requirements are divided into Zone A and Zone B, as shown on the Tualatin Parking Zone Map, Figure 73-3. The following are exempt from calculation of maximum parking requirements: parking structures; fleet parking; parking for vehicles for sale, lease or rent; car/vanpool parking; dedicated valet parking; and user-paid parking.**

<b>Use</b>	<b>Minimum Motor Vehicle Parking Requirements</b>	<b>Maximum Motor Vehicle Parking Requirements</b>	<b>Bicycle Parking Requirements</b>	<b>Percentage of Bicycle Parking to be Covered</b>
Commercial				
(i) Retail shops (under 100,000 sq ft gross floor area)	4.00 spaces per 1,000 sq ft of gross floor area	Zone A: 5.1 spaces per 1,000 sq ft gross floor area Zone B: 6.2 spaces per 1,000 sq ft gross floor area	0.50 space per 1,000 sq ft of gross floor area	50
(vi) General office	2.70 spaces per 1,000 sq ft of gross floor area	Zone A: 3.4 spaces per 1,000 sq ft gross floor area Zone B: 4.1 spaces per 1,000 sq ft gross floor area	2, or 0.50 space per 1,000 sq ft of gross floor area; whichever is greater	First 10 spaces or 40%; whichever is greater

Parking on site is existing as was approved through AR84-27. The building is 16,000 sq ft and 12,000 sq ft is dedicated to retail use with the remaining 4,000 sq ft being dedicated to office use (75/25% split). Therefore a minimum of 59 spaces is required and 65 spaces are provided. Additionally eight bike parking stalls are required and eight covered spaces are proposed throughout the site, as shown on Sheet A2.2. The requirement has been met.

**(3) Off-Street Vanpool and Carpool Parking Provisions.**

**The minimum number of off-street Vanpool and Carpool parking for commercial, institutional and industrial uses is as follows:**

<b>Number of Required Parking Spaces</b>	<b>Number of Vanpool or Carpool Spaces</b>
0 to 10	1
10 to 25	2
26 and greater	1 for each 25 spaces

The Applicant is not proposing a change or expansion of use. Parking is existing as approved through AR84-27. This section does not apply to the proposal.

**Section 73.380 Off-Street Parking Lots.**

**A parking lot, whether an accessory or principal use, intended for the parking of automobiles or trucks, shall comply with the following:**

**(1) Off-street parking lot design shall comply with the dimensional standards set forth in Figure 73-1 of this section, except for parking structures and underground parking where stall length and width requirements for a standard size stall shall be reduced by .5 feet and vehicular access at the entrance if gated shall be a minimum of 18 feet in width.**

Existing stalls comply with the standards of Figure 73-1 and are 9 ft x 19 ft. The two-way drive aisle is 24 ft wide as shown on Sheet A2.2. This requirement is met.

**(2) Parking stalls for sub-compact vehicles shall not exceed 35 percent of the total parking stalls required by TDC 73.370(2). Stalls in excess of the number required by TDC 73.370(2) can be sub-compact stalls.**

There are no existing or proposed compact parking stalls. This section does not apply.

**(3) Off-street parking stalls shall not exceed eight continuous spaces in a row without a landscape separation, except for parking structures and underground parking. For parking lots within the Central Design District that are designed to frame views of the central water feature or identified architectural focal elements as provided in TDC 73.350(3), this requirement shall not apply and the location of parking lot landscape islands shall be determined through the Architectural Review process.**

The existing stalls do not exceed eight continuous spaces. Continuous spaces run from five to seven spaces. This requirement is met.

**(4) Parking lot drive aisles shall be constructed of asphalt or concrete, including pervious concrete. Parking stalls shall be constructed of asphalt or concrete, or a pervious surface such as pavers or grasscrete, but not gravel or woody material. Drive aisles and parking stalls shall be maintained adequately for all-weather use and drained to avoid water flow across sidewalks. Pervious surfaces such as pervious concrete, pavers and grasscrete, but not gravel or woody material, are encouraged for parking stalls in or abutting the Natural Resource Protection Overlay District, Other Natural Areas identified in Figure 3-4 of the Parks and Recreation Master**

**Plan, or in a Clean Water Services Vegetated Corridor. Parking lot landscaping shall be provided pursuant to the requirements of TDC 73.350 and TDC 73.360. Walkways in parking lots shall be provided pursuant to TDC 73.160.**

The existing parking area is paved of asphalt. This requirement is met.

**(5) Except for parking to serve residential uses, parking areas adjacent to or within residential planning districts or adjacent to residential uses shall be designed to minimize disturbance of residents.**

The site is neither located near nor adjacent to a residential use. This requirement does not apply.

**(6) Artificial lighting, which may be provided, shall be deflected to not shine or create glare in a residential planning district, an adjacent dwelling, street right-of-way in such a manner as to impair the use of such way or a Natural Resource Protection Overlay District, Other Natural Areas identified in Figure 3-4 of the Parks and Recreation Master Plan, or a Clean Water Services Vegetated Corridor.**

Applicant's Response: Lighting will remain, but with a change to LED lamps for higher illumination levels appropriate for visibility to enhance security.

Staff has conditioned the Applicant to submit cut sheets of the proposed light fixture model or models demonstrating that models are full cut-off to ensure no light would encroach into public rights-of-way or the Nyberg Creek habitat area per TDC 73.160(3)(c).

**(7) Groups of more than 4 parking spaces shall be so located and served by driveways that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.**

All existing parking stalls are served by a drive aisle. This requirement is met.

**(8) Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress, and maximum safety of pedestrians and vehicular traffic on the site.**

There are two existing points of access/egress on SW Warm Springs Street. There is also an existing egress to SW Boones Ferry Road. A public comment notes that some use this skewed driveway in order to access the site from Boones Ferry. As this is not the intended use and poses a safety hazard, staff recommends conditioning the Applicant to post exit only signs at this egress location.

*Condition of Approval: The Applicant shall post an "Exit Only" sign facing the development at the egress drive to SW Boones Ferry Road and a "Do Not Enter" sign facing onto Boones Ferry Road before obtaining Certificate of Occupancy. These signs shall not be posted in the public right of way.*

**(9) Parking bumpers or wheel stops or curbing shall be provided to prevent cars from encroaching on the street right-of-way, adjacent landscaped areas, or adjacent pedestrian walkways.**

Staff notes that curbs exist adjacent to landscaped areas and pedestrian walkways and are shown on the site plan, Sheet A2.2. This requirement has been met.

**(10) Disability parking spaces and accessibility shall be provided in accordance with applicable federal and state requirements.**



The Applicant is proposing to include 3 ADA stalls out of 65. This meets the provisions of federal accessible parking requirements (<http://adata.org/factsheet/parking>).

**(11) On-site drive aisles without parking spaces, which provide access to parking areas with regular spaces or with a mix of regular and sub-compact spaces, shall have a minimum width of 22 feet for two-way traffic and 12 feet for one-way traffic. On-site drive aisles without parking spaces, which provide access to parking areas with only sub-compact spaces, shall have a minimum width of 20 feet for two-way traffic and 12 feet for one-way traffic.**

The existing parking lot drive aisles are 24 ft wide as shown on the site plan, Sheet A2.2. Figure 73-1 requires that two-way drive aisles with parking spaces be a minimum of 24 ft. No comments were received from TVF&R regarding drive aisle widths. This requirement is met.

**Section 73.390 Off-Street Loading Facilities.**

**(1) The minimum number of off-street loading berths for commercial, industrial, public and semi-public uses is as follows:**

<b>Square Feet of Floor Area</b>	<b>Number of Berths</b>
Less than 5,000	0
5,000 - 25,000	1

The existing building is 16,000 sq ft. One loading area is provided on the southwest corner of the retail/office center as required.

**(2) Loading berths shall conform to the following minimum size specifications.**

**(a) Commercial, public and semi-public uses of 5,000 to 25,000 square feet shall be 12' x 25' and uses greater than 25,000 shall be 12' x 35'**

**(b) Industrial uses ...**

The existing loading area for the commercial use is 10.5 ft W x 60 ft L and is located in an area that abuts the southern parking drive aisle. As the Applicant is not seeking to expand their use and the site layout is existing, staff finds the existing condition acceptable.

**(c) Berths shall have an unobstructed height of 14'**

The loading area is not covered and has an unobstructed height. This requirement has been met.

**(d) Loading berths shall not use the public right-of-way as part of the required off-street loading area.**

The loading area is located entirely on the subject site and not in the public right-of-way. This requirement has been met.

**(3) Required loading areas shall be screened from public view from public streets and adjacent properties by means of sight-obscuring landscaping, walls or other means, as approved through the Architectural Review process.**

The loading area will be screen from public streets by the perimeter landscaping on the south and west side of the property. This requirement has been met.

**(4) Required loading facilities shall be installed prior to final building inspection and shall be permanently maintained as a condition of use.**

The loading area is existing. This section does not apply to the proposal.

**(5) A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of a school or child day care center having a capacity greater than 25 students.**

No school or child day care is proposed on site. This section does not apply to the proposal.

**(6) The off-street loading facilities shall in all cases be on the same lot or parcel as the structure they are intended to serve. In no case shall the required off-street loading spaces be part of the area used to satisfy the off-street parking requirements.**

The loading area does not conflict with the site's off-street parking as shown on the site plan, Sheet A2.2.

**(7) Subject to Architectural Review approval, the Community Development Director may allow the standards in this Section to be relaxed within the Central Design District...**

The site is not located in the Central Design District. This section does not apply to the proposal.

#### **K. Access:**

##### **Section 73.400 Access.**

**(1) The provision and maintenance of vehicular and pedestrian ingress and egress from private property to the public streets as stipulated in this Code are continuing requirements for the use of any structure or parcel of real property in the City of Tualatin. Access management and spacing standards are provided in this section of the TDC and TDC Chapter 75. No building or other permit shall be issued until scale plans are presented that show how the ingress and egress requirement is to be fulfilled. If the owner or occupant of a lot or building changes the use to which the lot or building is put, thereby increasing ingress and egress requirements, it shall be unlawful and a violation of this code to begin or maintain such altered use until the required increase in ingress and egress is provided.**

The Applicant is not proposing an expansion or change in the site's existing use; therefore the existing ingress/egress fulfills this requirement.

**(2) Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same ingress and egress when the combined ingress and egress of both uses, structures, or parcels of land satisfies their combined requirements as designated in this code; provided that satisfactory legal evidence is presented to the City Attorney in the form of deeds, easements, leases or contracts to establish joint use. Copies of said deeds, easements, leases or contracts shall be placed on permanent file with the City Recorder.**

The Applicant is not proposing joint ingress/egress with a neighboring use, structure, or parcel. This section does not apply to the proposal.

##### **(3) Joint and Cross Access.**

The Applicant is not proposing joint ingress/egress with a neighboring use, structure, or parcel. This section does not apply to the proposal.

##### **(4) Requirements for Development on Less than the Entire Site.**

Access and circulation on the site are existing. This section does not apply to the proposal.

**(5) Lots that front on more than one street may be required to locate motor vehicle accesses on the street with the lower functional classification as determined by the City Engineer.**

The existing access is limited to SW Warm Springs Street, a Minor Collector, as determined by the City Engineer through AR84-27. There is also an existing egress to SW Boones Ferry Road. A public comment notes that some use this skewed driveway in order to access the site from Boones Ferry. As this is not the intended use and poses a safety hazard, staff has conditioned the Applicant to post exit only signs at this egress location. This requirement has been met.

**(6) Except as provided in TDC 53.100, all ingress and egress shall connect directly with public streets.**

Staff notes the existing ingress and egress connect directly to two public streets: SW Warm Springs Street and SW Boones Ferry Road as shown on Sheet A2.2.

**(7) Vehicular access for residential uses shall be brought to within 50 feet of the ground floor entrances or the ground floor landing of a stairway, ramp or elevator leading to dwelling units.**

No residential uses are proposed as part of this proposal. This section does not apply to the proposal.

**(8) To afford safe pedestrian access and egress for properties within the City, a sidewalk shall be constructed along all street frontage, prior to use or occupancy of the building or structure proposed for said property. ...**

There are existing sidewalks along SW Warm Springs Street and SW Boones Ferry Road as shown on Sheet A2.2. This requirement has been met.

**(9) The standards set forth in this Code are minimum standards for access and egress, and may be increased through the Architectural Review process in any particular instance where the standards provided herein are deemed insufficient to protect the public health, safety, and general welfare.**

**(10) Minimum Access Requirements for Residential Uses ...**

**(11) Minimum Access Requirements for Commercial, Public and Semi-Public Uses.**

In the Central Design District, when driveway access is on local streets, not collectors or arterials and the building(s) on the property is(are) less than 5,000 square feet in gross floor area, or parking is the only use on the property, ingress and egress shall not be less than 24 feet. In all other cases, ingress and egress for commercial uses shall not be less than the following:

Required Parking Spaces	Minimum Number Required	Minimum Pavement Width	Minimum Pavement Walkways, Etc.
1-99	1	32 ft for first 50 ft from ROW, 24 ft thereafter	Curbs required; walkway one side only

The commercial site access is existing. There are two ingress/egress locations on the southern end of the site that are 24 ft in width and one egress location on the western end of the site that is 16 ft in width as approved through AR84-27. As the Applicant is not expanding or changing the site's use, Staff finds the existing condition acceptable to meet this requirement.

**(12) Minimum Access Requirements for Industrial Uses ...**

No industrial uses are proposed on the subject site. This section does not apply to the proposal.

**(13) One-way Ingress or Egress.**

**When approved through the Architectural Review process, one-way ingress or egress may be used to satisfy the requirements of Subsections (7), (8), and (9). However, the hard surfaced pavement of one-way drives shall not be less than 16 feet for multi-family residential, commercial, or industrial uses.**

The existing one-way egress is 16 ft in width as approved through AR84-27. This requirement has been met.

**(14) Maximum Driveway Widths and Other Requirements.**

**(a) Unless otherwise provided in this chapter, maximum driveway widths shall not exceed 40 feet.**

The maximum existing driveway width is 24 ft. This requirement has been met.

**(b) Except for townhouse lots, no driveways shall be constructed within 5 feet of an adjacent property line, except when two adjacent property owners elect to provide joint access to their respective properties, as provided by Subsection (2).**

Staff notes the existing driveways are setback 14 ft (northwest) and 28 ft (southeast) from adjacent property lines as shown on Sheet A2.2. This requirement has been met.

**(c) There shall be a minimum distance of 40 feet between any two adjacent driveways on a single property unless a lesser distance is approved by the City Engineer.**

There is a distance of 176 ft between the two existing driveways located on the southern portion of the property. This requirement has been met.

**(15) Distance between Driveways and Intersections.**

**Except for single-family dwellings, the minimum distance between driveways and intersections shall be as provided below. Distances listed shall be measured from the stop bar at the intersection.**

**(a) At the intersection of collector or arterial streets, driveways shall be located a minimum of 150 feet from the intersection.**

Staff notes the existing egress driveway is located 150 ft from the intersection of SW Boones Ferry Road (Arterial) and SW Warms Springs Street (Collector). The existing driveway on the southwest portion of the site is 170 ft from the intersection. This requirement is met.

**(b) At the intersection of two local streets, driveways shall be located a minimum of 30 feet from the intersection.**

The subject site does not abut local streets. This section does not apply to the proposal.

**(c) If the subject property is not of sufficient width to allow for the separation between driveway and intersection as provided, the driveway shall be constructed as far from the intersection as possible, while still maintaining the 5-foot setback between the driveway and property line as required by TDC 73.400(14)(b).**

The site meets the requirement above. This provision has not been utilized.

**(d) When considering a public facilities plan that has been submitted as part of an Architectural Review plan in accordance with TDC 31.071(6), the City Engineer may approve the location of a driveway closer than 150 feet from the intersection of collector or arterial streets, based on written findings of fact in support of the decision. The written approval shall be incorporated into the decision of the City Engineer for the utility facilities portion of the Architectural Review plan under the process set forth in TDC 31.071 through 31.077.**

The site meets the requirement above. This provision has not been utilized.

**(16) Vision Clearance Area.**

**(a) Local Streets ...**

**(b) Collector Streets - A vision clearance area for all collector/arterial street intersections, collector/arterial street and local street intersections, and collector/arterial street and railroad intersections shall be that triangular area formed by the right-of-way lines along such lots and a straight line joining the right-of-way lines at points which are 25 feet from the intersection point of the right-of-way lines, as measured along such lines. Where a driveway intersects with a collector/arterial street, the distance measured along the driveway line for the triangular area shall be 10 feet (see Figure 73-2 for illustration).**

**(c) Vertical Height Restriction - Except for items associated with utilities or publicly owned structures such as poles and signs and existing street trees, no vehicular parking, hedge, planting, fence, wall structure, or temporary or permanent physical obstruction shall be permitted between 30 inches and 8 feet above the established height of the curb in the clear vision area (see Figure 73-2 for illustration).**

Staff notes the Applicant has not provided or shown vision clearance areas as illustrated in Figure 73.2 on the landscape plan shown on Sheet L2. Tam Juniper and Bowhall Maple are proposed in the vision clearance area; however the proposed landscaping will not provide an obstruction from between 30 in to 8 ft above the height of the curb. This requirement has been met.

**L. Signs:**

Except code required signs for street number, disabled parking and car/vanpool, no signs are proposed by this application and none are approved. The applicant shall submit separate [sign permit](#) applications for any future signage.

**M. Time Limit on Approval:**

**73.056 Architectural Review approvals shall expire after two years unless:**

**(1) A building, or grading permit submitted in conjunction with a building permit application, has been issued and substantial construction pursuant thereto has taken place and an inspection performed by a member of the Building Division; or**

**(2) The Architectural Review (AR) applicant requests in writing an extension and the City approves it. If the Community Development Director and City Engineer or their designees approved the AR. then the Community Development Director and City Engineer shall decide upon the extension request. If the Architectural Review Board (ARB) approved the AR. then the ARB shall decide upon the extension request. The applicant shall provide notice of extension request to past recipients of the AR notice of application and post a sign pursuant to TDC 31.064. Before approving an extension, the deciding party shall find the request meets these criteria:**

**(a) The applicant submitted a written extension request prior to the original expiration date.**

**(b) There have been no significant changes in any conditions, ordinances, regulations or other standards of the City or applicable agencies that affect the previously approved project so as to warrant its resubmittal for AR.**

**(c) If the previously approved application included a special study, the applicant provided with the extension a status report that shows no significant changes on the site or within the vicinity of the site. A letter from a recognized professional also would satisfy this criterion if it states that conditions have not changed after the original approval and that no new study is warranted.**

**(d) If the AR applicant neglected site maintenance and allowed the site to become blighted, the deciding party shall factor this into its decision.**

**(e) The deciding party shall grant no more than a single one-year extension for an AR approval.**

**(f) If the Community Development Director and City Engineer or their designees are the deciding party, then they shall decide within thirty (30) days of receipt of the request. If the ARB is the deciding party, then the ARB shall decide within sixty (60) days of receipt of the request. If the deciding party fails to decide within the applicable time period, the decision shall default to approval.**

#### IV. APPEAL

The Architectural Review portion of this decision will be final after 14 calendar days on **June 28, 2016** unless a written appeal is received by the **Community Development Department – Planning Division at 18880 Martinazzi Avenue, Tualatin, Oregon 97062 before 5:00 p.m., June 27, 2016.** **The appeal must be submitted on the City appeal form with all the information requested provided thereon and signed by the appellant.** The plans and appeal forms are available at the Tualatin Library and at the Community Development Department – Planning Division offices. Appeals of a staff Architectural Features decision are reviewed by the Architectural Review Board (ARB).

Submitted by:



Erin Engman  
Assistant Planner

Issued by:



Aquilla Hurd-Ravich  
Planning Manager

Attachments:

- 101. Site Plans and Elevations
- 102. Comments: CWS, Republic, Jonathon Crane
- 103. Map 72-1 Natural Resources Protection Overlay District (NRPO) & Greenway Locations